

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 26 2012 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
LAVERNE SALLEY,

Plaintiff,

-against-

FLOYD FLAKE, et al.,

Defendants.

-----X

**AMON, Chief United States District Judge.**

On February 9, 2012, counsel for various New York City entities who are defendants in the above-captioned action ("City Defendants") mailed the Court a letter enclosing a copy of Plaintiff Laverne Salley's death certificate. D.E. # 40. On March 6, 2012, the City Defendants noticed Salley's death on the record, D.E. # 42, and on March 8, 2012, they filed a Certificate of Service of the statement noting the death. D.E. # 43. On June 11, 2012, the Court received a letter postmarked June 6, 2012 from Leonard McCallop, a *pro se* individual identifying himself as Plaintiff's son, indicating his desire that the case proceed and requesting notification of further proceedings. D.E. # 44. On June 15, this Court issued an order directing Mr. McCallop to provide the Court with evidence that he is a "proper party" for substitution pursuant to Fed. R. Civ. P. 25(a)(1) by July 15, 2012. D.E. #45. To date, Mr. McCallop has not responded. Accordingly, as no party has properly moved for substitution within the ninety day period provided under Rule 25(a)(1), this action is dismissed.

SO ORDERED..

Dated: Brooklyn, N.Y.

July 26 2012

S/Chief Judge Amon

Carol Bagley Amon  
Chief United States District Judge